

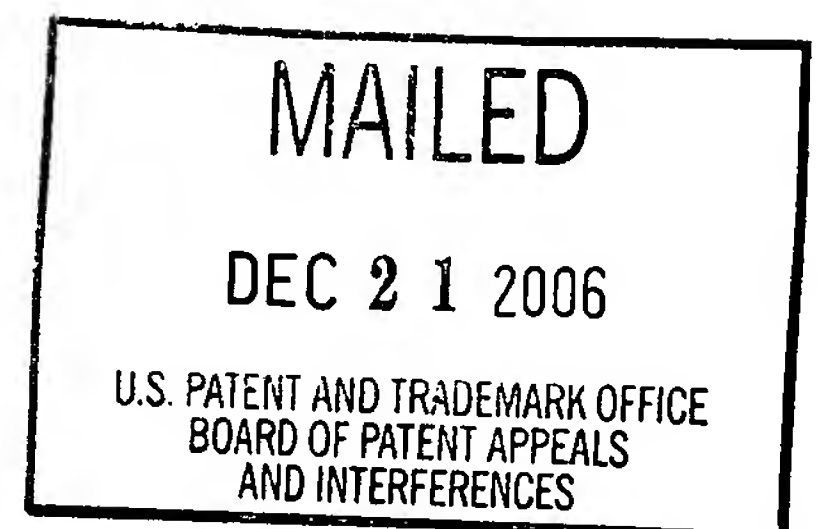
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DONALD H. WISEMAN

Application 10/707,909
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on November 3, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appeal Brief

Appellant faxed an Appeal Brief which was received by the USPTO on August 15, 2005. The following sections are either missing or lack required content:

Application 10/707,909

Summary of Claimed Subject Matter

The content provided under the section “**SUMMARY OF CLAIMED SUBJECT MATTER**” is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content does not give a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

Evidence and Related Proceedings Appendices

Two required headings are not present in the Appeal Brief received via facsimile by the USPTO on August 15, 2005. The headings are:

EVIDENCE APPENDIX as required by 37 C.F.R. § 41.37(c)(1)(ix); and the

RELATED PROCEEDINGS APPENDIX as required by 37 C.F.R. § 41.37(c)(1)(x).

Correction is required.

Information Disclosure Statement

Appellant filed an Information Disclosure Statement (IDS) which was received by the USPTO on January 23, 2004. A review of the IFW application reveals that the Examiner did not properly consider the IDS. *See the Manual of Patent Examining Procedure (MPEP) § 609.*

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v), (c)(1)(ix), and (c)(1)(x);
- (2) to have said Supplemental Appeal Brief made a part of the Image File Wrapper (IFW) Official record;

Application 10/707,909

- (3) to properly consider the IDS submitted to the USPTO on January 23, 2004 by either initialing the references, or by drawing a line through the references not considered;
 - (4) to provide notification to Appellants as to the entry status of the IDS;
 - (5) to have said notification made of Official record;
- and
- (6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. F. Edgell for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

*ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097*

DMS:hh